IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24862 of 2004

Between:

1. K.Laxmaiah, s/o Mattaiah,

   Ex.Driver (E-100551) APSRTC, Ranigunj II Depot, Hyderabad.

2. M.V.Mallaiah, s/o Veeraiah,

   Ex-Driver (E-100580) APSRTC, Ranigunj-I Depot, Hyderabad.

3. A.Bheemaiah, s/o Sanjenna,

   Ex-Driver, (E-200308) APSRTC, Ranigunj I Depot, Hyderabad.

..... PETITIONERS

AND

1. The Managing Director & Vice Chairman APSRTC, Musheerabad,

   Hyderabad.
2 The Regional Manager, APSRTC, Hyderabad City Region, JBS, Picket,

   Secunderabad.
3 The Depot Manager, APSRTC, Ranigunj I Depot, Hyderabad.
4 The Depot Manager, APSRTC, Ranigunj II Depot, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondents in not paying the retirement benefits of the petitioners as per the notification No.PD-14/2003 dated 8-10-2003

issued by the R1 as illegal, arbitrary, unjust and violative of principles of natural justice and consequently direct the respondents to pay the reitrement benefits as per the above notification.

Counsel for the Petitioner:MR.P.VENKATESWAR RAO

Counsel for the Respondent Nos.1 to 4: MR.V.T.M.PRASAD

The Court at the admission stage made the following Order:

The petitioners filed the present writ petition seeking a Writ of Mandamus declaring the action of the respondents in not paying the retirement benefits of the petitioners as illegal and arbitrary.

Learned counsel for the petitioner contended that the petitioners retired from service on various dates after 08.10.2003 and therefore, they are entitled to the retirement benefits as per the notification dated 08.10.2003.

Learned Standing Counsel appearing for the respondents contended that the notification dated 08.10.2003 will not apply to the cases of petitioners.

Whether the notification dated 08.10.2003 issued by the first respondent is applicable or not and whether the petitioners are entitled to any retirement benefits or not are required to be gone into by the first respondent and the same has to be decided in accordance with the rules and regulations and also of the said notification.

Therefore, respondents are directed to consider whether the petitioners are entitled to the retirement benefits as per the notification dated 08.10.2003 and take appropriate decision within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

19.01.2005

usd

To

1. The Managing Director & Vice Chairman APSRTC, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Hyderabad City Region, JBS, Picket, Secunderabad.
3 The Depot Manager, APSRTC, Ranigunj I Depot, Hyderabad.
4 The Depot Manager, APSRTC, Ranigunj II Depot, Hyderabad.
5. Two CD copies.